

## REMARKS

Claims 1-20 are pending in this patent application. Claims 13-20 have been previously withdrawn from consideration. Claims 1-12 stand rejected under 35 U.S.C. § 102(b), as allegedly being in public use for more than one year prior to the date of the filing of the patent application. Also, claims 1-12 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Publication Serial No. 2002/0013836 to Friedman *et al.*

Each of the outstanding rejections are addressed in the order in which they appear in the Office action. Applicants hereby amend independent claim 1 and cancel claim 2, without prejudice and without any intention of abandoning the subject matter of the claims, such that claims of same, lesser, or greater scope may be pursued in a later-filed application. Basis for the amendment of claim 1 may be found at least, for example, in the originally-filed claims and in the specification on page 15, lines 14-17 and page 17, lines 13-16. Applicants submit that no new matter has been introduced by this amendment. In view of the above-amendments and the following remarks, reconsideration and withdrawal of all grounds of rejection are respectfully requested.

I. 35 U.S.C. § 102

Claims 1-12 were rejected under 35 U.S.C. § 102(b), as allegedly being in public use for more than one year prior to the date of the filing of the patent application. To support the Examiner's allegation, certain documents were referenced from the [www.englishtown.com](http://www.englishtown.com) website including a bullet-point time-line of Englishtown, Inc.'s history and press releases dated January 1, 1999, October 2, 1999, and November 22, 1999, respectively. Applicants respectfully submit that, at most, these documents show that Englishtown, Inc. existed as a corporate entity prior to the filing date of the patent application. However, these documents fail to disclose the claimed elements of the present invention. For example, these documents fail to show a method for facilitating private instruction over a network between a teacher and a student comprising each of the steps provided in amended independent claim 1 and dependent claims 2-12.

Applicants also submit herewith a Declaration under 37 C.F.R. § 1.132 executed by Christopher McCormick, a co-inventor of the present application, declaring that the claimed inventions were not in public use more than a year prior to the date of filing of this patent application.

Accordingly, in lights of the foregoing remarks and the executed Declaration of Christopher McCormick, Applicants respectfully request that this rejection be reconsidered and withdrawn.

II. 35 U.S.C. § 103

Claims 1-12 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Publication Serial No. 2002/0013836 to Friedman *et al* (“Friedman”). Briefly, Friedman appears to disclose an online tutoring method and system that automatically matches a student who requests for assistance with a suitable tutor/teacher currently available for a tutoring session. *See* Friedman, column 1, paragraph [0001]. In explaining the relevance of Friedman to the pending claims, the Office Action indicates that that Friedman fails to report or teach enabling access to a list of students and profile information of the students by each teacher able to teach the course. Instead, the Office Action indicates that it is common practice for a perspective teacher to have a limited security access to a database of perspective students that are registering for classes at an educational facility where the teacher teaches. *See* Office Action, pages 3-4.

Without acquiescing to the Examiner’s contention as to “common practice”, Applicants respectfully submit that amended independent claim 1 recites enabling access to the list of students and the profile information of the students over the network by each teacher who is able to teach a private course, wherein the teacher selects a student from the list of students after viewing the profile information. As such, a teacher according to the claimed invention selects a student from a list of students after viewing the profile information of a student. Because claims 2-12 depend either directly or indirectly from amended independent claim 1, and include all the limitations thereof, Applicants submit that claims 2-12 are also patentable as a matter of law,

under 35 U.S.C. § 103(a) over Friedman. Accordingly, for the reasons provided herein, Applicants respectfully request reconsideration and withdrawal of this rejection.

### **CONCLUSION**

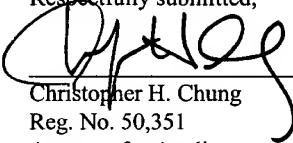
In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration, withdrawal of all grounds of rejection, and allowance of claims 1-12 in due course. The Examiner is invited to contact Applicants' undersigned representative by telephone at the number listed below to discuss any outstanding issues.

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